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15 Attorneys for Defendants
16 BABYBUS CO., LTD and BABYBUS
17 (FUJIAN) NETWORK TECHNOLOGY
18 CO., LTD

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 MOONBUG ENTERTAINMENT LIMITED
23 and TREASURE STUDIO, INC.,

24 Plaintiffs,

25 v.

26 BABYBUS CO., LTD and BABYBUS
27 (FUJIAN) NETWORK TECHNOLOGY CO.,
28 LTD,

Defendants.

CASE NO. 3:21-CV-06536-EMC

**BABYBUS CO., LTD'S AND BABYBUS
(FUJIAN) NETWORK TECHNOLOGY
CO., LTD'S AMENDED ANSWER AND
JURY DEMAND**

Judge: Honorable Edward M. Chen

Courtroom: 5, 17th Floor

BABYBUS' ANSWER

Defendants BabyBus Co., Ltd. and BabyBus (Fujian) Network Technology Co., Ltd. (collectively "BabyBus"), hereby submit this Answer and Affirmative Defenses to the Amended Complaint of Plaintiffs Moonbug Entertainment Limited and Treasures Studio, Inc. (collectively "Plaintiffs" or "Moonbug"). To the extent any of the headings of the Amended Complaint require a response, BabyBus denies such allegations. BabyBus denies each and every allegation in the Amended Complaint not expressly admitted below.

1. Paragraph 1 contains legal conclusions and arguments to which no response is required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

2. BabyBus currently lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2, and therefore denies them.

3. BabyBus admits it offers YouTube channels under its "Super JoJo" brand. BabyBus denies that it copied Plaintiffs' intellectual property. Further, to the extent the allegations in paragraph 3 purport to describe or quote one or more documents or webpages, BabyBus asserts that those documents or webpages are the best source of their full content and context. BabyBus denies the allegations to the extent they do not accurately represent the documents' or webpages' full content and context. Paragraph 3 also contains legal conclusions and arguments to which no response is required; to the extent a response is required, BabyBus denies the allegations in this paragraph. Except as expressly admitted, BabyBus denies the remaining allegations in paragraph 3.

4. BabyBus admits that as of August 24, 2021, Plaintiffs had submitted notices to YouTube that wrongfully allege BabyBus' videos infringe one or more copyrights; BabyBus denies the allegations in those notices. BabyBus admits that it has removed certain videos from public view on YouTube. BabyBus admits that Plaintiffs have since submitted additional notices to YouTube that wrongfully allege BabyBus' videos infringe one or more copyrights; BabyBus denies the allegations in those notices. Paragraph 4 also contains legal conclusions and arguments to which no response is required; to the extent a response is required, BabyBus denies the

1 allegations in this paragraph. Except as expressly admitted, BabyBus denies the remaining
2 allegations in paragraph 4,

3 5. Paragraph 5 contains legal conclusions and arguments to which no response is
4 required; to the extent a response is required, BabyBus denies the allegations in this paragraph.

5 6. BabyBus currently lacks knowledge or information sufficient to form a belief as to
6 the truth or falsity of the allegations contained in paragraph 6, and therefore denies them.

7 7. BabyBus currently lacks knowledge or information sufficient to form a belief as to
8 the truth or falsity of the allegations contained in paragraph 7, and therefore denies them.

9 8. BabyBus admits that BabyBus Co., Ltd. was formerly known as Fuzhou Zhiyong
10 Information Technology Co., Ltd., and has its business address at 15th Floor, Building 3, F Zone,
11 Fuzhou Software Park, No. 89, Software Avenue, Gulou District, Fuzhou, Fujian, China 350001.
12 BabyBus admits that BabyBus Co., Ltd. is the parent company of BabyBus (Fujian) Network
13 Technology Co., Ltd. BabyBus admits that, along with its affiliates, BabyBus provides digital
14 content for children through apps and platforms in 12 languages and 160 countries. BabyBus
15 admits that BabyBus and its affiliates together had, at one point, more than 99 million monthly
16 active users for all such Super JoJo and non-Super JoJo content. BabyBus admits that BabyBus
17 Co., Ltd. submitted IPO application materials to the Shenzhen Stock Exchange on June 18, 2021.
18 BabyBus further admits that on June 29, 2021, the Shenzhen Stock Exchange accepted and
19 publicly disclosed BabyBus Co., Ltd.'s prospectus. BabyBus admits that BabyBus and its
20 affiliates together earned over \$100 million in 2020 in connection with a planned initial public
21 offering ("IPO"). BabyBus further admits that it collected revenues derived from the marketing
22 and distribution of its Super JoJo content on the YouTube platform; BabyBus denies that any of its
23 content infringes on any of Plaintiffs' copyrights. Paragraph 8 also contains legal conclusions and
24 arguments to which no response is required; to the extent a response is required, BabyBus denies
25 the allegations in this paragraph. Except as expressly admitted, BabyBus denies the remaining
26 allegations in paragraph 8.

27 9. BabyBus admits that BabyBus (Fujian) Network Technology Co., Ltd. has its
28 business address at 2nd Floor, Building 10, Hongfang, No. 1 Jingong Road, Fuzhou City, Fujian

1 Province, China 350007. BabyBus admits that BabyBus Co., Ltd. is the parent company of
2 BabyBus (Fujian) Network Technology Co., Ltd. BabyBus admits that its Super JoJo branded
3 videos are published, displayed, and advertised on YouTube. BabyBus further admits that it
4 collected revenues derived from the marketing and distribution of its Super JoJo content on the
5 YouTube platform; BabyBus denies that its Super JoJo branded videos infringe on any of
6 Plaintiffs' alleged copyrights. Paragraph 9 also contains legal conclusions and arguments to
7 which no response is required; to the extent a response is required, BabyBus denies the allegations
8 in this paragraph. Except as expressly admitted, BabyBus denies the remaining allegations in
9 paragraph 9.

10 10. BabyBus admits the allegations in Paragraph 10.

11 11. BabyBus admits that the Court has personal jurisdiction over BabyBus for this
12 action. BabyBus consented to personal jurisdiction in this judicial district by submitting counter
13 notifications under Section 512(g)(3)(D) of the Copyright Act through YouTube in response to
14 Plaintiffs' false notifications of claimed infringement. BabyBus admits that it admitted in its
15 Amended Answer that BabyBus is subject to personal jurisdiction by virtue of submitting counter
16 notifications and pursuant to BabyBus' consent. BabyBus admits that Mr. Naiyong Yan is the co-
17 founder and the Head of the Video Business Department for Baby Bus Co., Ltd., and that he
18 submitted the counter notifications. BabyBus currently lacks knowledge or information sufficient
19 to form a belief as to the truth or falsity of the allegations contained in paragraph 11 regarding
20 YouTube's operations, and therefore denies them. Paragraph 11 also contains legal conclusions
21 and arguments to which no response is required, Except as expressly admitted, BabyBus denies
22 the remaining allegations in paragraph 11.

23 12. BabyBus admits the allegations in Paragraph 12.

24 13. For the purposes of the above captioned litigation, BabyBus consents to the
25 jurisdiction of this Court, and thus admits this Court has personal jurisdiction pursuant to
26 BabyBus' consent. BabyBus admits that it makes its Super JoJo branded videos available through
27 YouTube's platform, and that it has entered into an agreement with YouTube to use that platform;
28 but BabyBus denies any connection between YouTube and the Court's personal jurisdiction over

1 BabyBus. BabyBus further admits that its Super JoJo branded videos are published, displayed,
2 and advertised on YouTube. BabyBus denies that its Super JoJo branded videos infringe on any
3 of Plaintiffs' alleged copyrights. BabyBus admits that it collected revenues derived from the
4 marketing and distribution of its Super JoJo content on the YouTube platform. BabyBus admits
5 that Mr. Naiyong Yan submitted a sworn declaration in support of the motion for temporary
6 restraining order by BabyBus (Fujian) Network Technology Co., Ltd. Paragraph 13 also contains
7 legal conclusions and arguments to which no response is required, and BabyBus denies the
8 remaining allegations in Paragraph 13.

9 14. BabyBus admits that venue is proper in this district.

10 15. BabyBus admits that Civil Local Rule 3-2(c) is applicable and that assignment to
11 any division in this district is proper.

12 16. BabyBus currently lacks knowledge or information sufficient to form a belief as to
13 the truth or falsity of the allegations contained in paragraph 16, and therefore denies them.

14 17. BabyBus currently lacks knowledge or information sufficient to form a belief as to
15 the truth or falsity of the allegations contained in paragraph 17, and therefore denies them.

16 18. BabyBus currently lacks knowledge or information sufficient to form a belief as to
17 the truth or falsity of the allegations contained in paragraph 18, and therefore denies them.

18 19. BabyBus currently lacks knowledge or information sufficient to form a belief as to
19 the truth or falsity of the allegations contained in paragraph 19, and therefore denies them.

20 20. BabyBus currently lacks knowledge or information sufficient to form a belief as to
21 the truth or falsity of the allegations contained in paragraph 20, and therefore denies them.

22 21. BabyBus currently lacks knowledge or information sufficient to form a belief as to
23 the truth or falsity of the allegations contained in paragraph 21, and therefore denies them.

24 22. BabyBus denies any allegations of "infringement," or characterizations of content
25 as "infringing," contained in Paragraph 22. BabyBus admits that it operates the Super JoJo show
26 on multiple channels on YouTube, including channels in various languages and those identified in
27 Exhibit 1 to the Complaint. BabyBus admits that Super JoJo content has appeared on YouTube
28 and Amazon video services. BabyBus denies the remaining allegations in Paragraph 22.

1 23. Paragraph 23 contains legal conclusions and arguments to which no response is
2 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

3 24. Paragraph 24 contains legal conclusions and arguments to which no response is
4 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

5 25. BabyBus admits that, like all infants, JoJo has a large head relative to the size of his
6 body, large eyes, and teeth. BabyBus further admits that JoJo has been depicted in yellow and
7 blue clothing. BabyBus further admits that JoJo has been depicted in 3-D animation. BabyBus
8 denies that any identified, alleged similarities between JoJo and any other fictional character reach
9 elements of the characters that are protectable in copyright or constitute copyright infringement.
10 Paragraph 25 also contains legal conclusions and arguments to which no response is required; to
11 the extent a response is required, BabyBus denies the remaining allegations in this paragraph,
12 including on the ground that they are vague.

13 26. BabyBus admits that JoJo has been depicted as happy, positive, eager, and curious.
14 BabyBus admits JoJo has a brother and sister with whom he sometimes plays. BabyBus admits
15 that JoJo is the youngest of the three siblings. BabyBus admits that JoJo's name is "JoJo."
16 BabyBus denies that any identified, alleged similarities between JoJo and any other fictional
17 character reach elements of the characters that are protectable in copyright or constitute copyright
18 infringement. Paragraph 26 also contains legal conclusions and arguments to which no response is
19 required; to the extent a response is required, BabyBus denies the remaining allegations in this
20 paragraph, including on the ground that they are vague.

21 27. BabyBus admits that JoJo's family consists of a mother, father, older sister, older
22 brother, and a dog named Bingo. BabyBus denies that any identified, alleged similarities between
23 JoJo and any other fictional character reach elements of the characters that are protectable in
24 copyright or constitute copyright infringement. Paragraph 27 also contains legal conclusions and
25 arguments to which no response is required; to the extent a response is required, BabyBus denies
26 the remaining allegations in this paragraph, including on the ground that they are vague.

27 28. BabyBus admits that JoJo's family is wholesome and idealistic, and assist in
28 instructing children in necessary life skills. BabyBus denies that any identified, alleged

1 similarities between JoJo and any other fictional character reach elements of the characters that are
2 protectable in copyright or constitute copyright infringement. Paragraph 28 also contains legal
3 conclusions and arguments to which no response is required; to the extent a response is required,
4 BabyBus denies the remaining allegations in this paragraph, including on the ground that they are
5 vague.

6 29. BabyBus admits that stuffed animals are featured in Super JoJo works, including
7 for the purposes of teaching instructional lessons to children. BabyBus denies that any identified,
8 alleged similarities between JoJo and any other fictional character reach elements of the characters
9 that are protectable in copyright or constitute copyright infringement. Paragraph 29 also contains
10 legal conclusions and arguments to which no response is required; to the extent a response is
11 required, BabyBus denies the remaining allegations in this paragraph, including on the ground that
12 they are vague.

13 30. BabyBus admits that it operates the Super JoJo channels and owns the videos
14 posted on the channel. BabyBus denies that any identified, alleged similarities between Super
15 JoJo characters and any other fictional character reach elements of the characters that are
16 protectable in copyright or constitute copyright infringement. Paragraph 30 also contains legal
17 conclusions and arguments to which no response is required. To the extent a response is required,
18 BabyBus denies the allegations in this paragraph.

19 31. Paragraph 31 contains legal conclusions and arguments to which no response is
20 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

21 32. BabyBus admits that JoJo has been depicted as happy. BabyBus admits that JoJo
22 has been depicted with supportive siblings and parents. BabyBus denies that any identified,
23 alleged similarities between JoJo and any other fictional character reach elements of the characters
24 that are protectable in copyright or constitute copyright infringement. Paragraph 32 also contains
25 legal conclusions and arguments to which no response is required; to the extent a response is
26 required, BabyBus denies the remaining allegations in this paragraph, including on the ground that
27 they are vague.

28

1 33. Paragraph 33 contains legal conclusions and arguments to which no response is
2 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

3 34. BabyBus admits that there is a Super JoJo work entitled “The Boo Boo Song” and
4 that Exhibit 2 to the Complaint appears to reflect screenshots of the Super JoJo video with that
5 title. BabyBus denies the characterization of that work as “infringing.” BabyBus denies the
6 allegation, or alleged implication, that any identified, alleged similarities encompass copyright
7 protectable elements or constitute copyright infringement. Paragraph 34 also contains legal
8 conclusions and arguments to which no response is required; to the extent a response is required,
9 BabyBus denies the remaining allegations in this paragraph.

10 35. BabyBus currently lacks knowledge or information sufficient to form a belief as to
11 the truth or falsity of the allegations contained in paragraph 35, and therefore denies them.

12 36. BabyBus admits that it published a video for Super JoJo entitled “The Boo Boo
13 Song.” BabyBus denies the remaining allegations in Paragraph 36.

14 37. Paragraph 37 contains legal conclusions and arguments to which no response is
15 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

16 38. BabyBus admits that the screenshots in Paragraph 38 depict JoJo with a bruise on
17 his forehead, which is appropriately colored to reflect how a bruise naturally occurs in the context
18 human anatomy, including coloration that fades in intensity from the center of the bruise.
19 BabyBus admits that in the work depicted in the screenshots appearing in Paragraph 38, JoJo’s
20 eyes are blue in color, and JoJo’s mother wipes a tear away from one of JoJo’s eyes, while his
21 other eye remains open; and after that, JoJo’s mother kisses his head above a brightly colored
22 bandage. BabyBus admits that the subtitles for the screenshots appearing in Paragraph 38, which
23 screenshots also include JoJo, state “Mommy will help you” and “make your boo boo better.”
24 BabyBus denies that any identified, alleged similarities between JoJo and any other fictional
25 character reach elements of the characters that are protectable in copyright or constitute copyright
26 infringement. Paragraph 38 also contains legal conclusions and arguments to which no response is
27 required. To the extent a response is required, BabyBus denies the remaining allegations in this
28 paragraph.

1 39. BabyBus admits that the screenshots in paragraph 39 depict JoJo's sister wearing a
2 bright pink, purple, and light pink sneaker on her foot, and further depicts JoJo's sister hitting her
3 foot against a solid, white surface. BabyBus admits that the screenshots in paragraph 39 further
4 depict JoJo's mother with red hair and wearing a green shirt, and depict JoJo's sister with brown
5 hair and wearing a blue dress with a white tee shirt underneath it. BabyBus admits that the
6 screenshots in paragraph 39 as depict JoJo's mother giving a "high-five" to JoJo's sister.
7 BabyBus denies that any identified, alleged similarities between JoJo and any other fictional
8 character reach elements of the characters that are protectable in copyright or constitute copyright
9 infringement. Paragraph 39 also contains legal conclusions and arguments to which no response is
10 required; to the extent a response is required, BabyBus denies the remaining allegations in this
11 paragraph.

12 40. BabyBus admits that the screenshots in paragraph 40 depict JoJo's brother with
13 orange-hair and JoJo's mother with red hair. BabyBus admits that the screenshots in paragraph 40
14 further depict JoJo's mother kissing JoJo's brother as well as JoJo's brother inspecting a bandage
15 on his right arm. BabyBus denies that any identified, alleged similarities between JoJo and any
16 other fictional character reach elements of the characters that are protectable in copyright or
17 constitute copyright infringement. Paragraph 40 also contains legal conclusions and arguments to
18 which no response is required; to the extent a response is required, BabyBus denies the remaining
19 allegations in this paragraph.

20 41. BabyBus admits that the screenshots in paragraph 41 depict a bandaged JoJo, as
21 well as his orange haired brother and brown-haired sister, peering through a door. BabyBus
22 admits that the screenshots in paragraph 41 further depict one of the children placing a polka
23 dotted red bandage on the mother's hand, as well as JoJo kissing his mother alone on a blue couch
24 with a blue pillow, and with JoJo's siblings' bare heads in the foreground. BabyBus denies that
25 any identified, alleged similarities between JoJo and any other fictional character reach elements
26 of the characters that are protectable in copyright or constitute copyright infringement. Paragraph
27 41 also contains legal conclusions and arguments to which no response is required; to the extent a
28 response is required, BabyBus denies the remaining allegations in this paragraph.

1 42. Paragraph 42 contains legal conclusions and arguments to which no response is
2 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

3 43. Paragraph 43 contains legal conclusions and arguments to which no response is
4 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

5 44. BabyBus currently lacks knowledge or information sufficient to form a belief as to
6 the truth or falsity of the allegations contained in paragraph 44, and therefore denies them.

7 45. BabyBus admits the existence of a BabyBus work called “Yes Yes Vegetable
8 Song.” BabyBus denies that any identified, alleged similarities between BabyBus’ works and any
9 other works reach elements that are protectable in copyright or constitute copyright infringement.
10 Paragraph 45 also contains legal conclusions and arguments to which no response is required; to
11 the extent a response is required, BabyBus denies the remaining allegations in this paragraph.

12 46. BabyBus admits that Exhibit 3 contains screenshots depicting a BabyBus work
13 called “Yes Yes Vegetables Song.” BabyBus admits that work includes peas and carrots, in that
14 order. BabyBus denies that any identified, alleged similarities between BabyBus’ works and any
15 other works reach elements that are protectable in copyright or constitute copyright infringement.
16 Paragraph 46 also contains legal conclusions and arguments to which no response is required; to
17 the extent a response is required, BabyBus denies the remaining allegations in this paragraph.

18 47. BabyBus admits that Exhibit 3 contains screenshots depicting the BabyBus work
19 called “Yes Yes Vegetables Song.” BabyBus admits that in that work JoJo’s mother offers JoJo
20 peas, which JoJo subsequently drops. BabyBus denies that any identified, alleged similarities
21 between BabyBus’ works and any other works reach elements that are protectable in copyright or
22 constitute copyright infringement. Paragraph 47 also contains legal conclusions and arguments to
23 which no response is required; to the extent a response is required, BabyBus denies the remaining
24 allegations in this paragraph.

25 48. BabyBus admits that Exhibit 3 contains screenshots depicting the BabyBus work
26 called “Yes Yes Vegetables Song.” BabyBus admits that work depicts a stuffed lamb which is
27 used to encourage eating. BabyBus denies that any identified, alleged similarities between
28 BabyBus’ works and any other works reach elements that are protectable in copyright or constitute

1 copyright infringement. Paragraph 48 also contains legal conclusions and arguments to which no
2 response is required; to the extent a response is required, BabyBus denies the remaining
3 allegations in this paragraph.

4 49. BabyBus admits that Exhibit 3 contains screenshots depicting the BabyBus work
5 called “Yes Yes Vegetables Song.” BabyBus admits that work depicts JoJo eating vegetable by
6 himself, after which JoJo shows an empty bowl to his mother. BabyBus denies that any identified,
7 alleged similarities between BabyBus’ works and any other works reach elements that are
8 protectable in copyright or constitute copyright infringement. Paragraph 49 also contains legal
9 conclusions and arguments to which no response is required; to the extent a response is required,
10 BabyBus denies the remaining allegations in this paragraph.

11 50. BabyBus admits that Exhibit 3 contains screenshots depicting the BabyBus work
12 called “Yes Yes Vegetables Song.” BabyBus admits that in that work JoJo is depicted in a high
13 chair, looking up at his mother with an empty bowl, resting his hand on his protruding belly, and
14 then touching a stuffed sheep. BabyBus denies that any identified, alleged similarities between
15 BabyBus’ works and any other works reach elements that are protectable in copyright or constitute
16 copyright infringement. Paragraph 50 also contains legal conclusions and arguments to which no
17 response is required; to the extent a response is required, BabyBus denies the allegations in this
18 paragraph.

19 51. Paragraph 51 contains legal conclusions and arguments to which no response is
20 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

21 52. Paragraph 52 contains legal conclusions and arguments to which no response is
22 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

23 53. Paragraph 53 contains legal conclusions and arguments to which no response is
24 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

25 54. Paragraph 54 contains legal conclusions and arguments to which no response is
26 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

27 55. The first sentence of Paragraph 55 contains legal conclusions and arguments to
28 which no response is required; to the extent a response is required, BabyBus denies the allegations

1 in this paragraph. BabyBus currently lacks knowledge or information sufficient to form a belief as
2 to the truth or falsity of the remaining allegations contained in paragraph 55, and therefore denies
3 them.

4 56. Paragraph 56 contains legal conclusions and arguments to which no response is
5 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

6 57. Paragraph 57 contains legal conclusions and arguments to which no response is
7 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

8 58. BabyBus currently lacks knowledge or information sufficient to form a belief as to
9 the truth or falsity of the second sentence of the allegations contained in paragraph 58, and
10 therefore denies them. Paragraph 58 also contains legal conclusions and arguments to which no
11 response is required; to the extent a response is required, BabyBus denies the allegations in this
12 paragraph.

13 59. BabyBus admits its “Rainbow Ice Cream – Colors Song” work had an associated
14 thumbnail image. Paragraph 59 also contains legal conclusions and arguments to which no
15 response is required; to the extent a response is required, BabyBus denies the remaining
16 allegations in this paragraph.

17 60. BabyBus admits that BabyBus (Fujian) Network Technology Co., Ltd. received a
18 letter from Moonbug’s counsel containing allegations by Moonbug concerning its copyrights and
19 BabyBus’ works. Paragraph 60 also contains legal conclusions and arguments to which no
20 response is required; to the extent a response is required, BabyBus denies the remaining
21 allegations in this paragraph.

22 61. BabyBus currently lacks knowledge or information sufficient to form a belief as to
23 the truth or falsity of the allegations contained in paragraph 61, and therefore denies them.
24 Paragraph 61 also contains legal conclusions and arguments to which no response is required; to
25 the extent a response is required, BabyBus denies the remaining allegations in this paragraph.

26 62. BabyBus admits that it transmitted a message to Plaintiffs which stated that
27 BabyBus was “having an urgent meeting with [its] legal department on this issue to give a
28 response ASAP.” BabyBus denies the remaining allegations in Paragraph 62.

1 63. BabyBus admits that the videos identified Exhibit 8 to the Complaint were
2 removed from public view while BabyBus investigated Plaintiffs' claims. BabyBus denies the
3 remaining allegations in Paragraph 63.

4 64. BabyBus currently lacks knowledge or information sufficient to form a belief as to
5 the truth or falsity of the allegations contained in paragraph 64, and therefore denies them.

6 65. BabyBus currently lacks knowledge or information sufficient to form a belief as to
7 the truth or falsity of the allegations contained in paragraph 65, and therefore denies them.

8 66. BabyBus admits that certain videos identified by Plaintiffs were removed from
9 public view while BabyBus investigated Plaintiffs claims, but denies that those removals indicated
10 any alleged infringement of any copyrights. BabyBus expressly denies that it has infringed any of
11 Plaintiffs' alleged copyrights. BabyBus denies the remaining allegations in Paragraph 66.

12 67. BabyBus denies the first sentence of Paragraph 67. BabyBus currently lacks
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
14 allegations contained in paragraph 67, and therefore denies them.

15 68. BabyBus denies the allegations in Paragraph 68.

16 69. BabyBus currently lacks knowledge or information sufficient to form a belief as to
17 the truth or falsity of the allegations contained in paragraph 69, and therefore denies them.

18 70. BabyBus denies that no Super JoJo channel has been terminated. BabyBus admits
19 that Plaintiffs previously triggered termination of a Super JoJo channel. Paragraph 70 also contains
20 legal conclusions and arguments to which no response is required; to the extent a response is
21 required, BabyBus denies the remaining allegations in this paragraph.

22 71. BabyBus currently lacks knowledge or information sufficient to form a belief as to
23 the truth or falsity of the allegations contained in Paragraph 71, and therefore denies them.

24 72. BabyBus admits that on or about August 11 and 12, 2021 BabyBus submitted
25 counter notifications for the four videos listed in Paragraph 72. BabyBus denies the remaining
26 allegations in Paragraph 72.

27 73. BabyBus denies that it has displayed or distributed any works that infringe any of
28 Plaintiffs' alleged copyrights. BabyBus denies the remaining allegations in Paragraph 73.

1 74. BabyBus repeats and incorporates by reference, as if fully set forth herein, its
2 responses to all of the allegations in the preceding paragraphs.

3 75. Paragraph 75 contains legal conclusions and arguments to which no response is
4 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

5 76. BabyBus currently lacks knowledge or information sufficient to form a belief as to
6 the truth or falsity of the allegations contained in paragraph 76, and therefore denies them.

7 77. Paragraph 77 contains legal conclusions and arguments to which no response is
8 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

9 78. Paragraph 78 contains legal conclusions and arguments to which no response is
10 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

11 79. Paragraph 79 contains legal conclusions and arguments to which no response is
12 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

13 80. BabyBus admits that it has not acquired a license from Plaintiffs, because it did not
14 need any such license. BabyBus denies any implication that it needed a license from Plaintiffs.
15 Paragraph 80 also contains legal conclusions and arguments to which no response is required; to
16 the extent a response is required, BabyBus denies the allegations in this paragraph.

17 81. Paragraph 81 contains legal conclusions and arguments to which no response is
18 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

19 82. Paragraph 82 contains legal conclusions and arguments to which no response is
20 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

21 83. Paragraph 83 contains legal conclusions and arguments to which no response is
22 required. To the extent a response is required, BabyBus denies the allegations in this paragraph.

23 **AFFIRMATIVE DEFENSES**

24 BabyBus identifies the following affirmative defenses and reserves the right to raise
25 additional defenses as discovery proceeds. BabyBus does not assume the burden of proof on any
26 issue, however characterized, on which it does not bear that burden. BabyBus reserves all
27 affirmative defenses not stated herein under Rule 8(c) of the Federal Rules of Civil Procedure and
28 any other defense at law or in equity that may now exist or in the future be available based upon

1 discovery and further investigation in this case.

2 1. The equitable relief Moonbug seeks is barred by the doctrine of laches, including
3 because Moonbug has unreasonably delayed in alleging copyright infringement. BabyBus first
4 created the DouDou character in or around 2016, which was the basis for the 3-D Model that
5 became JoJo in 2019. BabyBus began creating videos on YouTube and other platforms full time
6 in 2019 utilizing the JoJo character. Moonbug only asserted allegations of copyright infringement,
7 however, years later in or around June 2021 after BabyBus had filed its IPO application materials
8 with the Shenzhen Stock Exchange. As a result of Moonbug's unreasonable delay in alleging
9 copyright infringement, timed specifically to coincide with BabyBus' announcement of its IPO,
10 BabyBus' overall business has been threatened to a much greater degree than if the copyright
11 allegations or suit would have been filed in a reasonable time. Moonbug's unreasonable delay in
12 alleging copyright infringement, timed specifically to coincide with BabyBus' announcement of
13 its IPO, also appears to be designed to unreasonably increase the damages that Moonbug seeks to
14 claim.

15 2. Moonbug's failure to mitigate any alleged damages further bars its claims or limits
16 their recovery. BabyBus first created the DouDou character in or around 2016, which was the
17 basis for the 3-D Model that became JoJo in 2019. BabyBus began creating videos on YouTube
18 and other platforms full time in 2019 utilizing the JoJo character. Moonbug only asserted
19 allegations of copyright infringement, however, years later in or around June 2021 after BabyBus
20 had filed its IPO application materials to the Shenzhen Stock Exchange. Moonbug's delay of over
21 a year before attempting to assert its alleged copyrights increased Moonbug's alleged damages as
22 it coincided with the growth of the BabyBus channel over that same period.

23 3. Moonbug's claims are also barred by the doctrine of *de minimis* use. Moonbug's
24 allegations of similarities between its works and BabyBus' works are based on ideas and
25 expressions that are not protectable in copyright, including but not limited to, anatomical features
26 of human infants (*i.e.* large head, sparse hair, large eyes), the composition of a traditional nuclear
27 family as found in family-friendly and children's media (*i.e.* two parents, three children, and a
28 pet), and abstract lessons learned by children while they grow up (*i.e.* eating vegetables, treating

bruises, etc.). To the extent that any similarities may extend to protectable content, the similarities are so minor, and make up such a small feature of the works as to constitute *de minimis* use that is not actionable.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), BabyBus hereby demands trial by jury of all issues properly triable thereby, including but not limited to all such issues raised in Moonbug's Complaint.

DATED:
June 6, 2022

QUINN EMANUEL URQUHART & SULLIVAN, LLP

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